

Paul A. Werner (*pro hac vice*)
Steven P. Hollman (*pro hac vice*)
Abraham J. Shanedling (*pro hac vice*)
Hannah J. Wigger (*pro hac vice*)
Christopher L. Bauer (*pro hac vice*)
Alexandra Bustamante (*pro hac vice*)
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006-6801
Phone: (202) 747-1900
pwerner@sheppardmullin.com
shollman@sheppardmullin.com
ashanedling@sheppardmullin.com
hwigger@sheppardmullin.com
cbauer@sheppardmullin.com
abustamante@sheppardmullin.com

Austin Williams (AK Bar No. 0911067)
TROUT UNLIMITED
600 Clipper Ship Court
Anchorage, AK 99515
Telephone: (907) 227-1590
Austin.Williams@tu.org

Attorneys for Trout Unlimited

James C. Feldman (AK Bar No. 1702003)
Jeffrey M. Feldman (AK Bar No. 7605029)
SUMMIT LAW GROUP PLLC
315 Fifth Avenue South, Suite 1000
Seattle, WA 98104
Phone: (206) 676-7000
jamesf@summitlaw.com
jefff@summitlaw.com

Attorneys for Bristol Bay Economic Development Corporation

Siobhan McIntyre (AK Bar No. 1206050)
Joanna Cahoon (AK Bar No. 1405034)
TRUSTEES FOR ALASKA
121 W. Fireweed Ln., Suite 105
Anchorage, AK 99503
Phone: (907) 276-4244
smcintyre@trustees.org
jcahoon@trustees.org

Attorneys for SalmonState, Alaska Community Action on Toxics, Alaska Wilderness League, Alaska Wildlife Alliance, Cook Inletkeeper, Friends of McNeil River, Kachemak Bay Conservation Society, National Parks Conservation Association, National Wildlife Federation, Sierra Club, The Alaska Center, and Wild Salmon Center

Erin Colón (AK Bar No. 1508067)
Charisse Arce (AK Bar No. 2303017)
EARTHJUSTICE
310 K Street, Suite 508
Anchorage, AK 99501
Phone: (907) 277-2500
ecolon@earthjustice.org
carce@earthjustice.org

Attorneys for Center for Biological Diversity, Earthworks, and Friends of the Earth

Jacqueline Iwata (*pro hac vice*)
Thomas Zimpleman (*pro hac vice*)
NATURAL RESOURCES DEFENSE COUNCIL
1152 15th St. NW Suite 300
Washington, DC 20005
Phone: (202) 289-6868
jiwata@nrdc.org
tzimpleman@nrdc.org

Joel Reynolds (*pro hac vice*)
NATURAL RESOURCES DEFENSE COUNCIL
1314 2nd St.
Santa Monica, CA 90401
Phone: (310) 434-2300
jreynolds@nrdc.org

Attorneys for Natural Resources Defense Council

Northern Dynasty Minerals, Ltd., et al. v. EPA, et al.
Case No. 3:24-cv-00059-SLG

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD.
and PEBBLE LIMITED PARTNERSHIP,

No. 3:24-cv-00059-SLG

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and UNITED
STATES ARMY CORPS OF ENGINEERS.,

Defendants,

and

UNITED TRIBES OF BRISTOL BAY, *et al.*,

Intervenor-Defendants.

**PARTIALLY UNOPPOSED JOINT MOTION BY ALL INTERVENOR-
DEFENDANTS TO EXTEND DATE TO RESPOND TO FIRST AMENDED AND
SUPPLEMENTAL COMPLAINT¹**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, all three sets of Intervenor-Defendants² hereby jointly move for an extension of time (to September 27,

¹ Defendants do not oppose the relief sought herein. Plaintiffs have not stated a position on the Motion.

² The three sets of Intervenor-Defendants are (1) United Tribes of Bristol Bay, Bristol Bay Native Association, Bristol Bay Economic Development Corporation, Commercial Fishermen for Bristol Bay, and Bristol Bay Regional Seafood Development Association; (2) Trout Unlimited; and (3) SalmonState, Alaska Community Action on Toxics, Alaska Wilderness League, Alaska Wildlife Alliance, Cook Inletkeeper, Friends of McNeil River, Kachemak Bay Conservation Society, National Parks Conservation Association, National Wildlife Federation, Sierra Club, Alaska Center, Wild Salmon Center, Center for Biological

2024) to file answers to the First Amended and Supplemental Complaint for Declaratory and Injunctive Relief (“First Amended Complaint” (Dkt. 91)), and in support state as follows:

1. On August 15, 2024, the Court granted Plaintiffs’ motion for leave to file an amended and supplemented complaint, which added an entirely new claim against the U.S. Army Corps of Engineers and various other allegations against both Defendants. Dkt. 90. Plaintiffs then filed their First Amended Complaint on August 16, 2024. Dkt. 91.

2. On August 22, 2024, the Court granted the motions to intervene of all Intervenor-Defendants and ordered each set of Intervenor-Defendants to file its Answer to the First Amended Complaint within 21 days of the order—*i.e.*, by September 12, 2024. Dkt. 95.

3. On August 29, 2024, Defendants U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers (“Corps”) (together, the “Government Defendants”) filed an unopposed motion to establish the date for filing a response to the First Amended Complaint (Dkt. 99). In their motion, Defendants request that the Court set September 27, 2024, as the due date for filing a response to the First Amended Complaint because, among other reasons, Defendants “require a reasonable amount of time to draft their response, particularly in light of the additional claim and the Corps’ addition to the case.” *Id.* at 2.

Diversity, Earthworks, Friends of the Earth, and Natural Resources Defense Council. *See* Dkt. 95.

4. On September 4, 2024, the Court granted the Government Defendants' motion, and set September 27, 2024 as the date for Defendants' response to the First Amended Complaint. Dkt. 101.

5. Intervenor-Defendants also each need additional time to draft their responses to the First Amended Complaint, including coordination between intervenor-defendant groups and accommodating other competing travel, obligations, and deadlines. Intervenor-Defendants therefore respectfully request that the Court set the same date (September 27, 2024) for filing Intervenor-Defendants' answers to the First Amended Complaint.

6. Neither Plaintiffs nor the Government Defendants will suffer any prejudice by this extension, nor is this Motion sought for any purposes of delay. Indeed, Defendants do not oppose this request for an extension of time to September 27, 2024. And while undersigned counsel emailed counsel for Plaintiffs to confer in good faith about this motion on September 3 and 4, 2024, as of this filing, Plaintiffs have not stated any position on the motion.

7. A proposed order is attached hereto.

DATED this 6th day of September, 2024.

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
Attorneys for Trout Unlimited

By: s/ Paul A. Werner
Paul A. Werner (*pro hac vice*)
Steven P. Hollman (*pro hac vice*)
Abraham J. Shanedling (*pro hac vice*)

Hannah J. Wigger (*pro hac vice*)
Christopher L. Bauer (*pro hac vice*)
Alexandra Bustamante (*pro hac vice*)

TROUT UNLIMITED

Attorney for Trout Unlimited

By: s/ Austin Williams (with consent)
Austin Williams (AK Bar No. 0911067)

SUMMIT LAW GROUP PLLC

*Attorneys for Bristol Bay Economic
Development Corporation*

By: s/ James C. Feldman
James C. Feldman (AK Bar No. 1702003)
Jeffrey M. Feldman (AK Bar No. 7605029)

BESSENYEY & VAN TUYN, L.L.C.

Attorneys for Bristol Bay Native Corporation

By: s/ Peter Van Tuyn (with consent)
Peter Van Tuyn (AK Bar No. 8911086)
Karen Schmidt (AK Bar No. 1211113)

NATIVE AMERICAN RIGHTS FUND

*Attorneys for United Tribes of Bristol Bay and
Commercial Fishermen for Bristol Bay*

By: s/ Megan R. Condon (with consent)
Megan R. Condon (AK Bar No. 1810096)
Matthew N. Newman (AK Bar No. 1305023)

BRISTOL BAY NATIVE ASSOCIATION

Attorney for Bristol Bay Native Association

By: s/ Felipe Farley (with consent)
Felipe Farley (AK Bar. No. 1904029)

CASHION GILMORE & LINDEMUTH
*Attorney for Bristol Bay Regional
Seafood Development Association, Inc.*

By: s/ Scott Kendall (with consent)
Scott Kendall (AK Bar. No. 0405019)

TRUSTEES FOR ALASKA
*Attorneys for SalmonState, Alaska Community
Action on Toxics, Alaska Wilderness League,
Alaska Wildlife Alliance, Cook Inletkeeper,
Friends of McNeil River, Kachemak Bay
Conservation Society, National Parks
Conservation Association, National Wildlife
Federation, Sierra Club, The Alaska Center, and
Wild Salmon Center*

By: s/ Siobhan McIntyre
Siobhan McIntyre (AK Bar No. 1206050)
Joanna Cahoon (AK Bar No. 1405034)

EARTHJUSTICE
*Attorneys for Center for Biological Diversity,
Earthworks, and Friends of the Earth*

By: s/ Charisse Arce (with consent)
Charisse Arce (AK Bar No. 2303017)
Erin Colón (AK Bar No. 1508067)

NATURAL RESOURCES DEFENSE
COUNCIL

*Attorneys for Natural Resources Defense
Council*

By: s/ Thomas Zimpleman (with consent)

Thomas Zimpleman (*pro hac vice*)

Jacqueline Iwata (*pro hac vice*)

Joel Reynolds (*pro hac vice*)